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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 JERRY GLENN THOMPSON, JR.,

12 Petitioner,

13 v.

14 STEVE SINCLAIR,

15 Respondent.

CASE NO. C08-1831JLR

ORDER

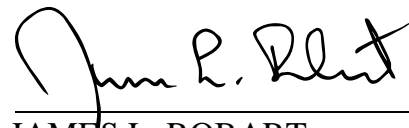
16 This matter comes before the court on Petitioner Jerry Glenn Thompson, Jr.'s
17 motion for a certificate of appealability under 28 U.S.C. § 2253(c) (Dkt. # 27). Mr.
18 Thompson seeks to appeal the court's September 4, 2009 order denying his 28 U.S.C. §
19 2254 habeas corpus petition (Dkt. # 25). Having reviewed the motion and for the
20 reasons stated below, the court DENIES the motion.
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22 Among the substantial changes to federal habeas corpus procedure in the
23 Antiterrorism and Effective Death Penalty Act of 1996 is the rule that a habeas
24 petitioner can appeal the denial of a 28 U.S.C. § 2254 petition only after obtaining a
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1 “certificate of appealability.” 28 U.S.C. § 2253(c). Although the statute is ambiguous,
2 the Ninth Circuit has held that a United States District Court may issue a certificate of
3 appealability. *United States v. Asrar*, 116 F.3d 1268, 1269 (9th Cir. 1997). A court may
4 issue a certificate of appealability only if the “applicant has made a substantial showing
5 of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The Supreme Court has
6 elaborated that a petitioner must show that “reasonable jurists could debate whether . . .
7 the petition should have been resolved in a different manner or that the issues presented
8 were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529
9 U.S. 473, 484 (2000) (quotations omitted).

12 Here, Mr. Thompson has not made a substantial showing of the denial of a
13 constitutional right. Therefore, the motion is DENIED.

15 Dated this 8th day of October, 2009.

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18 JAMES L. ROBART
19 United States District Judge
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